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Case Number CVME2503855 0000125846630 - Jason B. Galkin, Executive Officer/Clerk of the Court By Judith Soriano, Clerk

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Attorney for Plaintiff LEONARD COLBERT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

LEONARD COLBERT,
Plaintiff,

vs.

COUNTY OF RIVERSIDE, CHAD
BIANCO, DOE DEPUTY 1, DOE
MAINTENANCE WORKER AND DOES 2-25
INCLUSIVE,
Defendants.

Case No.: **CVME2503855**

COMPLAINT FOR DAMAGES

1. NEGLIGENCE
2. PREMISES LIABILITY
3. NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS
4. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

COMES NOW PLAINTIFF LEONARD COLBERT (hereinafter "Plaintiff"), an
individual, by and through his attorney, Royal DL Bond, Esq., and for his complaint against the
above-named DEFENDANTS, and each of them, allege as follows:

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COMPLAINT FOR DAMAGES

INTRODUCTION

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2 1. This case challenges the willful and deliberate failure of Defendants to provide to
3 Plaintiff, a once incarcerated individual in their care and custody, proper living conditions
4 commensurate with basic standards of decency. This case presents ongoing concerns and
5 violations within the jails owned, operated, and located within the County of Riverside, managed
6 by the Riverside County Sheriff's Department.

8 2. Defendants have neglected all duties to provide inmate/prisoners, safe, habitable, and
9 acceptable living quarters as mandated by clearly established laws and statutes. Plaintiff was
10 forced to suffer injuries resulting from preventable slip and falls at the behest of Defendants'
11 failure to provide him with a living situation free of nuisances and hazards.

13 3. As set forth below, Defendants have caused Plaintiff damages and harms for which he is
14 undoubtedly entitled to be compensated for to be made whole according to law.

PARTIES

16 4. Plaintiff LEONARD COLBERT ("Plaintiff") is and was, at all relevant times herein, an
17 individual who was incarcerated in Riverside County and housed at multiple county detention
18 facilities, including the Robert Presley Detention Center, Southwest Detention Center, and Cois
19 Byrd Detention Center (collectively "Riverside County Jails").

21 5. Defendant COUNTY OF RIVERSIDE ("Defendant" or "County") is a public entity duly
22 organized and existing under the laws of the State of California, and at all times relevant was
23 responsible for the operation, maintenance, and oversight of the Riverside County Jails,
24 including the facilities and housing units where Plaintiff was confined.

26 6. Defendant CHAD BIANCO is and was, at all relevant times herein, the elected Sheriff of
27 Riverside County, responsible for the oversight, management, and supervision of the Riverside
28

1 County Sheriff's Department and the policies, customs, training, and operations within all county
2 detention facilities. Plaintiff sues Sheriff Bianco in his official capacity as a policy maker for the
3 County of Riverside and, to the extent he knew or reasonably should have known of the
4 widespread failure to repair hazardous conditions or respond to inmate injuries, in his individual
5 capacity as well.
6

7 7. Defendant DOE DEPUTY 1 is and was, at all relevant times herein an employee, agent,
8 or representative of the County of Riverside, working in the capacity of a custodial officer,
9 correctional deputy, or jail supervisor. Plaintiff is informed and believes, and therefore alleges
10 that DOE Deputy 1 had actual knowledge of the leaking toilet in Plaintiff's cell and Plaintiff's
11 repeated falls and injuries, and willfully failed to take corrective action or move Plaintiff to a
12 safe environment.
13

14 8. Defendant DOE MAINTENANCE WORKER is and was, at all relevant times herei, and
15 employee, agent, or contractor of the County of Riverside, responsible for maintenance and
16 repair of inmate cells and plumbing systems. Plaintiff is informed and believes, and thereon
17 alleges, that DOE Maintenance Worker inspected the leaking toilet after Plaintiff's initial fall,
18 promised repairs or system flushing, but failed to remedy the condition, leading to subsequent
19 preventable injuries.
20

21 9. Plaintiff is unaware of the true names and capacities of Defendants DOES 2 through 25
22 inclusive, and therefore sues them by such fictitious names. Plaintiff is informed and believes,
23 and on that basis alleges, that each of these defendants is responsible in some manner, whether
24 through acts, omissions or both, for the injuries and damages alleged herein. Plaintiff will amend
25 this complaint to allege their true names and capacities when ascertained.
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1 10. At all relevant times herein, each of the Defendants, including those named as DOES,
2 was the agent, employee, servant, or representative of every other Defendant, and in doing the
3 things alleged herein, was acting within the scope of such agency or employment, and with the
4 knowledge, consent, and ratification of the other Defendants.
5

6 **JURISDICTION AND VENUE**

7 11. This is an unlimited civil action in excess of \$35,000, for the intentional violation of
8 Plaintiff's rights.

9 12. This Court has jurisdiction over this matter under Article VI, Section 10 of the California
10 Constitution. Venue is proper in the County of Riverside pursuant to Code of Civil Procedure
11 §395 because the events and omissions giving rise to this Complaint occurred in Riverside
12 County.
13

14 **FACTUAL ALLEGATIONS**

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16
17 13. On September 18, 2024, Plaintiff was arrested and informed law enforcement that he was
18 disabled and in need of medical attention due to a knee condition. Despite his condition, Plaintiff
19 was denied care and booked into Robert Presley Detention Center under booking number
20 202441281.

21 14. Plaintiff was later transferred to a Riverside County Jail, where he again requested and
22 was denied adequate medical treatment for severe knee swelling and pain.
23

24 15. On or about September 24, 2024, Plaintiff was transferred to the Cois Byrd Detention
25 Center (hereinafter "CBDC") and placed in cell BH64 in Murietta, California.
26
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1 16. On September 25, 2024, Plaintiff slipped and fell in contaminated water leaking from a
2 toilet in cell BH64. He was injured and transported via wheelchair to medical for evaluation,
3 where photos were taken of his injuries, and he was prescribed medication and given an ice pack.
4

5 17. Despite assurances that the toilet had been repaired, Plaintiff again slipped on September
6 28, 2024, in the same cell due to the same unrepaired leak. He was taken to medical, where he
7 reported severe knee and back pain and was given a CT scan and ultrasound before being
8 returned to the same cell.

9 18. On September 30, 2024, Plaintiff filed a grievance requesting a transfer due to the
10 hazardous condition. A maintenance worker appeared and claimed he would fix the toilet by
11 flushing the system. No confirmation or follow-up occurred.
12

13 19. On October 1, 2024, Plaintiff suffered a third fall caused by the still-leaking toilet. He
14 was once again sent to medical where he received X-rays, ice, medication, and a knee brace. He
15 was returned to the same hazardous cell.
16

17 20. Plaintiff filed a third grievance. On October 3, 2024, after weeks of complaints and
18 suffering, he was released from custody due to his criminal case dispositioning. The toilet was
19 never repaired.

20 21. As a result of Defendants' failure to remedy a known hazard, Plaintiff has sustained
21 lasting injuries to his knee and back, ongoing pain, and emotional distress.
22

23 **FIRST CAUSE OF ACTION**

24 (Negligence—Against All Defendants)

25 22. Plaintiff realleges and incorporates by reference paragraphs 1 through 21 as though fully
26 set forth herein.
27
28

1 23. Defendants owed Plaintiff a duty of reasonable care to maintain safe conditions within
2 the facilities under their control and to respond to known safety and medical hazards in a timely
3 and responsible manner.

4 24. Defendants breached that duty by failing to repair a known leaking toilet, ignoring
5 multiple complaints and grievances, and returning Plaintiff to a cell with an active and dangerous
6 hazard.

7 25. As a direct and proximate result of Defendants' negligence, Plaintiff suffered repeated
8 injuries, including but not limited to damage to his back and knee, pain and suffering, emotional
9 distress, and economic.
10

11
12 **SECOND CASUE OF ACTION**

13 (Premise Liability—Against All Defendants)

14 26. Plaintiff realleges and incorporates by reference paragraphs 1 through 25 as though fully
15 set forth herein.

16 27. Defendants owned, controlled, operated, or maintained the premises at issue and had a
17 duty to keep those premises in a reasonably safe condition.

18 28. Defendants created and/or had actual or constructive knowledge of the leaking toilet and
19 failed to warn, repair, or eliminate the hazard in a timely fashion.

20 29. The condition constituted a dangerous and defective condition that directly caused
21 Plaintiff's injuries.

22 30. As a result, Plaintiff has suffered and continues to suffer harm as set forth herein.

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THIRD CAUSE OF ACTION

(Negligent Infliction of Emotional Distress—Against All Defendants)

31. Plaintiff realleges and incorporates by reference paragraphs 1 through 30 as though fully set forth herein.

32. Defendants owed Plaintiff a duty of care to operate and maintain the detention facilities in a reasonably safe and habitable condition, and to avoid creating or allowing conditions that posed an unreasonable risk of harm to Plaintiff's physical and emotional well-being.

33. Defendants breached that duty by knowingly subjecting Plaintiff to an unsafe and hazardous environment, where he repeatedly fell due to a leaking toilet, despite his numerous complaints, medical emergencies, and formal grievances.

34. Plaintiff, who was already disabled and vulnerable at the time of incarceration, experienced repeated trauma, fear, frustration, and emotional distress from being forced to return to a known hazardous condition and suffering recurring injuries,

35. Defendants' conduct was negligent, outrageous, and in reckless disregard for Plaintiff's safety and emotional health, especially after Plaintiff had repeatedly sought help and filed grievances.

36. As a direct and proximate result of Defendants' conduct, Plaintiff suffered and continues to suffer serious emotional distress, anxiety, depression, fear, and mental anguish in addition to his physical injuries.

37. The emotional distress was serious and not trivial or fleeting and would be experienced by a reasonable person under similar circumstances.

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FOURTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress—Against Doe Deputy 1 and Doe Maintenance Worker)

38. Plaintiff realleges and incorporates by reference paragraphs 1 through 37 as though fully set forth herein.

39. At all relevant times, DOE Deputy 1 was a sworn peace officer, correctional deputy, or supervisor employed by the County of Riverside and assigned to oversee inmate safety and housing conditions at CBDC.

40. At all relevant times, DOE Maintenance Worker was an employee or agent of the County of Riverside responsible for maintenance and repair of inmate cells and plumbing systems at the facility, including the cell in which Plaintiff was housed (BH64).

41. Although both DOE Deputy 1 and DOE Maintenance Worker were employees or agents of County of Riverside and acted under color of law within the course and scope of their employment, the acts and omissions alleged herein were done with malice, oppression, or fraud, and outside the scope of any lawful duties, making them personally liable under California law.

42. On or about September 25, 2024, Plaintiff slipped and fell in contaminated water leaking from the toilet in cell BH64, sustaining injuries to his back and knee. This hazardous condition was reported to facility staff, including DOE Deputy 1, who observed the injuries or at the very least had knowledge. There were photos taken, and knew Plaintiff was evaluated by medical staff.

43. Despite actual knowledge of the hazard and Plaintiff's resulting injury, DOE Maintenance Worker, who responded to the scene and was assigned to address the leak, failed to adequately repair the toilet or take it out of service. Plaintiff remained housed in the same cell.

1 44. On or about September 28, 2024, Plaintiff again fell due to the same unrepaired leaking
2 toilet, suffering additional injury and trauma. This second fall was also reported to both DOE
3 Deputy 1 and DOE Maintenance Worker, who again failed to take action to repair the hazard or
4 relocate Plaintiff to a safe cell.
5

6 45. On or about October 1, 2024, Plaintiff suffered a third fall—once again caused by the
7 same leaking toilet that had been left unaddressed despite repeated injuries, medical visits, and
8 formal grievances. As a result, Plaintiff experienced significant physical and emotional suffering.
9

10 46. The conduct of DOE Deputy 1 and DOE Maintenance Worker was extreme and
11 outrageous and carried out with reckless disregard for Plaintiff's health and safety, given their
12 actual knowledge of; (1) Plaintiff's disabled status; (2) Multiple injuries suffered from the same
13 cause; (3) The documented, ongoing, and obvious risk posed by the leaking toilet.

14 47. This conduct was intentional or undertaken with willful and conscious disregard of
15 Plaintiff's rights and well-being, and constitutes despicable behavior that justifies an award of
16 punitive damages pursuant to California Civil Code §3294(a).
17

18 48. Their actions and omissions went beyond mere negligence and demonstrate deliberate
19 indifference to Plaintiff's known and obvious risk of harm, as well as conscious disregard of his
20 repeated pleas for safety and medical accommodation.
21

22 49. As a direct and proximate result of this conduct, Plaintiff suffered severe emotional
23 distress, including anxiety, fear, humiliation, mental anguish, and loss of dignity, in addition to
24 physical injuries. These emotional injuries were substantial and lasting.

25 50. Plaintiff therefore seeks an award of punitive and exemplary damages against DOE
26 Deputy 1 and DOE Maintenance Worker, in their individual capacities, to punish and deter such
27 deliberate misconduct in the future.
28

FIFTH CAUSE OF ACTION

Violation of Civil Rights-- 42 U.S.C. §1983 (*Against Bianco, DOE Deputy 1, DOE Maintenance Worker—Individual Liability*)

51. Plaintiff realleges and incorporates by reference paragraphs 1 through 50 as though fully set forth herein.

52. At all relevant times, Defendants DOE Deputy 1, DOE Maintenance Worker, and Sheriff Chad Bianco were acting under color of law within the course and scope of their employment with the County of Riverside and the Riverside County Sheriff's Department.

53. Plaintiff alleges that Defendants subjected him to unconstitutional conditions of confinement in violation of the Eighth and Fourteenth Amendments to the U.S. Constitution by: (1) Failing to maintain a habitable and safe living environment; (2) Ignoring repeated reports of a hazardous condition (leaking toilet and contaminated water); (3) Failing to remedy the hazard after multiple injuries were sustained; (4) Returning Plaintiff to the same cell, thereby subjecting him to further injury.

54. Plaintiff further alleges that Sheriff Chad Bianco, in his individual and supervisory capacity, knew or reasonably should have known of a widespread pattern or practice of unsafe and inhumane jail conditions, including maintenance failures and inadequate inmate housing protocols, and failed to implement proper oversight, training, or corrective action.

55. The conduct of these Defendants amounted to deliberate indifference to Plaintiff's health, safety, and well-being, in violation of clearly established constitutional rights.

56. As a result of Defendants' unconstitutional conduct, Plaintiff suffered repeated physical injuries, emotional distress, pain, humiliation, and mental anguish.

1 57. Plaintiff is entitled to compensatory damages under 42 U.S.C. §1983, and to punitive
2 damages against the individual defendants pursuant to federal law for their willful, malicious,
3 and reckless disregard for Plaintiff's rights.
4

5 **SIXTH CAUSE OF ACTION**

6 Dangerous Condition of Public Property—Gov. Code §835 (*Against County of*
7 *Riverside*)

8 58. Plaintiff realleges and incorporates by reference paragraphs 1 through 57 as though fully
9 set forth herein.
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11 59. At all relevant times, Defendant County of Riverside owned, operated, and controlled
12 CBDC, including cell BH64, where Plaintiff was housed.

13 60. A dangerous condition existed on the property—specifically, a leaking toilet that caused
14 contaminated water to pool on the floor of Plaintiff's cell, creating a substantial risk of harm to
15 anyone in the area, including Plaintiff.
16

17 61. Defendant County of Riverside:

- 18 (1) Created the condition through negligent construction, maintenance, or oversight;
19 (2) Had actual or constructive notice of the condition and sufficient time to correct it;
20 (3) Failed to take reasonable steps to protect against the risk posed by the condition.
21

22 62. As a direct and proximate result of the dangerous condition of public property, Plaintiff
23 suffered physical injuries, pain, and emotional distress.

24 63. Plaintiff complied with the California Tort Claims Act by filing a timely claim, which
25 was denied on October 17, 2024. This cause of action is timely filed within the six months of that
26 denial.
27
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1 64. Plaintiff seeks damages according to proof against Defendant County of Riverside
2 under Government Code §835

3 **SEVENTH CAUSE OF ACTION**

4 Municipal Liability – 42 U.S.C. § 1983 (*Monell*)– (*Against County of Riverside*)

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6 65. Plaintiff realleges and incorporates by reference paragraphs 1 through 64 as though fully
7 set forth herein.

8 66. At all relevant times, Defendant County of Riverside acted under color of state law and
9 through its agents, employees, and policymakers, including the Riverside County Sheriff's
10 Department and its leadership.

11
12 67. Plaintiff alleges that Defendant County Riverside, through official policy, custom, or
13 practice, permitted and/or maintained unconstitutional conditions of confinement in its detention
14 facilities, including but not limited to:

15 (1) Failing to address known hazardous conditions such as leaking toilets and contaminated
16 water in inmate housing units;

17
18 (2) Failing to conduct timely or adequate maintenance to prevent dangerous conditions;

19 (3) Failing to relocated injured or at-risk inmates from known hazardous conditions;

20 (4) Failing to adequately train or supervise custodial and maintenance staff regarding inmate
21 safety and hazardous condition reporting.

22
23 68. These widespread failures reflect a custom or policy of deliberate indifference to the
24 health, safety, and constitutional rights of inmates housed in Riverside County detention
25 facilities.

1 69. Defendant County of Riverside also failed to implement adequate oversight and
2 monitoring systems to ensure staff addressed maintenance hazards and medical complaints in a
3 timely and constitutional manner.

4 70. The injuries suffered by Plaintiff were not the result of isolated negligence, but rather
5 were the foreseeable and proximate result of the County's longstanding failure to implement
6 constitutionally compliant policies, training, supervision, or corrective mechanisms.

7 71. The pattern of inaction and systemic neglect constitutes a municipal policy or custom
8 actionable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), and its progeny.
9

10 72. As a direct and proximate result of these unconstitutional policies and customs, Plaintiff
11 suffered repeated physical injuries, pain, emotional distress, and a violation of his clearly
12 established rights under the Eighth and Fourteenth Amendments.

13 73. Plaintiff seeks compensatory damages against Defendant County of Riverside pursuant to
14 42 U.S.C. §1983 for the injuries caused by its unconstitutional policies and customs.
15

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff respectfully requests judgment against all Defendants with the
18 exception of punitive damages which Plaintiff only prays for against individual Defendants as
19 follows:
20

- 21 1. For general damages in an amount according to proof;
- 22 2. For special damages including medical expenses and out-of-pocket costs;
- 23 3. For emotional distress damages;
- 24 4. For punitive and exemplary damages as to the intentional torts;
- 25 5. For costs of suit herein incurred;
- 26 6. For any other relief the Court deems just and proper.
- 27
- 28

1 7. For declaratory and injunctive relief, and attorney's fees pursuant to 42 U.S.C. §1983,
2 as permitted by law."

3 8. An order requiring the County of Riverside to implement written procedures ensuring
4 timely responses to documented inmate safety hazards, including repair of dangerous
5 conditions and relocation of vulnerable inmates.
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7
8 Dated: April 14, 2025
9

10 Respectfully Submitted,

11 BOND LAW LEGAL GROUP
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14 _____
15 Royal DL Bond, Esq.
16 Attorney for Plaintiff, Leonard Colbert
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VERIFICATION

I, Leonard Colbert, am the PLAINTIFF in the above-entitled matter. I have read the foregoing VERIFIED CIVIL COMPLAINT FOR RELIEF AND DAMAGES and I know the contents thereof. The contents are true of my own knowledge, except as to those matters stated on information and belief, which I believe to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Monday, April 14, 2025, at MORENO VALLEY, California.

By: 

Leonard Colbert, PLAINTIFF